

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENNETH WEBB,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:10 CV 758 RWS
)	
TROY STEELE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

On August 28, 2013, United States Magistrate Judge Terry I. Adelman issued a report and recommendation in this matter recommending that Petitioner's motion for habeas relief be denied. Petitioner had until September 11, 2013 to file objections to Judge Adelman's recommendation. On September 18, 2013, I noted that Petitioner had failed to file any objections and I entered an order adopting Judge Adelman's report and recommendation and I entered a judgment denying the habeas petition. On September 26, 2013, Petitioner filed a motion to allow him extra time to file objections to my order of September 18, 2013. I construed Petitioner's motion as one for an extension of time to file objections to Judge Adelman's report and recommendation. I granted Petitioner's motion, vacated my judgment dated September 18, 2013, and ordered Petitioner to file his objections no later than November 18, 2013.

As of today's date Petitioner has failed to file any objections to Judge Adelman's report and recommendation. As a result, after careful consideration, I will adopt and sustain the thorough reasoning of Judge Adelman's report and I will deny Petitioner's habeas petition for the reasons stated in the Report and Recommendation dated August 28, 2013.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Petitioner has not made such a showing in this case, I will not issue a certificate of appealability.


Accordingly,

IT IS HEREBY ORDERED that Judge Adelman's Report and Recommendation filed on August 28, 2013 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Kenneth Webb's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2014.